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09/221,475	12/28/1998	KANG-DONG LEE	P55504	4538

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EXAMINER

PHAN, RAYMOND NGAN

ART UNIT PAPER NUMBER

2111

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/221,475

Applicant(s)

LEE, KANG-DONG

Examiner

Raymond Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 June 2002.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 14-37 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 4, 5, 14 and 15 is/are allowed.  
6) ☒ Claim(s) 1-2, 16, 18, 21-24-26-31, 34-35, 37 is/are rejected.  
7) ☒ Claim(s) 3, 17, 19, 20, 32, 33 and 36 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

### **Part III DETAILED ACTION**

#### ***Notice to Applicant(s)***

1. This action is responsive to the following communications:  
amendment filed on June 2, 2002.
2. This application has been examined. Claims 1-2, 16-37 are pending.
3. The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2111.

#### ***Claim Rejections - 35 USC § 112***

4. Claims 3, 25 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 3, using the phrase, "...the hard disk...", lacks proper antecedent basis and causes the claim to be vague and indefinite.

Claim 25 contains the trademark/trade name **Windows**. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to

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identify/describe the operating system and, accordingly, the identification/description is indefinite.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

***A person shall be entitled to a patent unless --***

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1, 16, 18, 21, 25-26 is rejected under 35 U.S.C. § 102(e) as being anticipated by Sadowsky et al. (US No. 6,230,285).

In regard to claim 1, Sadowsky et al. disclose a recording medium 10 for fixing a conflict of a computer system comprising a boot image loaded in a main memory installed in the computer system when the computer system is booted, for managing the operation of the computer system (see col. 3, line 65 through col. 4, line 7); a program image consisting of an operating system and application programs to be installed in an auxiliary memory unit of the computer system and list of the operating system and application programs (see col. 4, lines 39-66)' and a conflict repair control program having a code means (a) loaded in the main memory of the computer system for checking whether the auxiliary memory unit is normal (see col. 3, lines 49-66), and code means (b) for repairing damaged files in the auxiliary memory unit using the program image when abnormality exists in the auxiliary memory unit (see col. 4, lines 9-38).

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In regard to claim 16, Sadowsky et al. disclose the method of repairing a computer comprising turn on power of the computer and letting the computer boot, load an operating system and load a user friendly graphical user interface (i.e. GUI) for the operating system (i.e. Windows 95 or NT) using non-removable media inside the computer when possible (see col. 4, lines 39-67); checking the conflict inside the computer by non-removable media inside the computer when the computer has the operating system fully loaded and the user friendly GUI is present (see col. 4, line 60 through col. 5, line 19); repairing any conflicts by non-removable media inside the computer upon detection of the conflicts (see col. 5, lines 11-27); returning to the user friendly GUI for the operating system if all conflicts have been repaired (see col. 5, lines 29-66).

In regard to claim 18, Sadowsky et al. disclose the conflicts selected from the group consisting of system registry and hardware information (see col. 5, lines 29-66).

In regard to claim 21, Sadowsky et al. disclose the checking being run by boot guard module 28 (see col. 5, lines 29-48).

In regard to claim 25, Sadowsky et al. disclose the operating system is Windows (see col. 4, lines 39-45).

In regard to claim 26, Sadowsky et al. disclose config.sys, win.ini, system.ini, protocol.ini files are being checked for conflicts (see col. 5, lines 50-67).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the

subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 22-24, 27-31, 34-35, 37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Sadowsky et al. in view of Jeon (US No. 6,122,734).

In regard to claim 2, Sadowsky et al. disclose the claimed subject matter as discussed rejection above except the teaching of discloses the recording medium is a CD-ROM. However Jeon discloses the recording medium is a CD-ROM (see abstract). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Jeon into the teachings of Sadowsky et al. because it would provide the user to be able to repair the damaged system easily with only the CD-ROM.

In regard to claim 23, Jeon discloses CD-ROM backing up all files stored on the non-removable media (see col. 5, lines 9-26). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Jeon into the teachings of Sadowsky et al. because it would provide the user to be able to repair the damaged system easily with only the CD-ROM.

In regard to claim 24, Jeon discloses searching conflicts in the non-removal media (see col. 5, lines 27-67); repairing any conflict in the non-removable media (see col. 5, lines 27-67); re-installing the backup files to the non-removable media (see col. 5, lines 27-67). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Jeon into the

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teachings of Sadowsky et al. because it would provide the user to be able to repair the damaged system easily with only the CD-ROM.

In regard to claim 27, Sadowsky et al. disclose the computer comprising a CPU; an input/output, main memory; an auxiliary memory (i.e. hard drive) (see col. 2, lines 59-67); checking the conflict inside the computer by non-removable media inside the computer when the computer has the operating system fully loaded and the user friendly GUI is present (see col. 4, line 60 through col. 5, line 19). But Sadowsky et al. do not specifically disclose a CD-ROM drive used to boot up the computer, load an operating system and provide GUI when the computer fails to achieve the GUI germane to the operating system. However Jeon discloses a CD-ROM drive used to boot up the computer, load an operating system and provide GUI when the computer fails to achieve the GUI germane to the operating system (see col. 5, lines 19-67). Therefore, it would have been obvious to a person of an ordinary skill in the art at the time the invention was made to have combined the teachings of Jeon into the teachings of Sadowsky et al. because it would provide the user to be able to repair the damaged system easily with only the CD-ROM.

In regard to claim 28, Sadowsky et al. disclose the boot check module to determine if a conflict is present (see col. 3, lines 27-48).

In regard to claim 29, Sadowsky et al. disclose the boot check module is a software (see col. 3, lines 36-40).

In regard to claims 30, 34, 35, 37, Sadowsky et al. disclose config.sys, win.ini, system.ini, protocol.ini files are being checked for conflicts (see col. 5, lines 50-67).

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In regard to claim 31, Sadowsky et al. disclose the fix module recording the state information of the computer at various times prior to installation to change (see col. 4, lines 39-67).

***Allowable Subject Matter***

9. Claims 4-6 are allowed over the prior art of records.
  10. Claims 3, 6, 17, 19-20, 32-33, 36, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
  11. Claim 3 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
  12. The following is an Examiner's statement of reasons for the indication of allowable subject matter: Claims 3-6, 14-15, 17, 19-20, 32-33, 36 are allowable over the prior art of record because the Examiner found neither prior art cited in its entirety, nor based on the prior art, found any motivation to combine any of the said prior arts which teach a code unit for displaying the list included in the program image and newly installing only programs selected by a user in the hard disk (claim 3); diagnosing the presence or absence of abnormality in the computer according to user's instruction, reverting the computer system to a state when state information selected by the user among state information (claim 4); setting the CD-ROM device as master device and backing up data files stored in the auxiliary memory and formatting the auxiliary (claim 14); presenting a user on an input/output unit of the computer a plurality of dates and times the computer can revert to based on the dates and times of the computer stored state information
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pertaining to the computer inside a non-removable media when a conflict remains unrepaired after the repairing step; reloading state information germane to the date and time selected by the user resulting in the computer reverting to an earlier time when the computer did not have the unrepairable conflict (claims 17, 32, 33); checking step initiated by a user pressing a diagnostic button on an input/output portion of the computer (claims 20, 36).

The remaining claims, not specifically mentioned, are allowed for the same rationale as dependent claims.

### ***Response to Amendment***

13. Applicant's arguments and amendment, see 7-22, filed June 2, 2002, with respect to the rejections of claims 1-4 under 35USC102/103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Sadowsky et al.

### ***Conclusion***

14. Claims 1-2, 16, 18, 21-24-26-31, 34-35, 37 are rejected. Claims 4-6, 14-15 are allowed. Claims 3, 17, 19-20, 32-33, 36 are objected.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (571) 272-3630. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Primary, Paul Myers can be reached on (571) 272-3639 or via e-mail addressed to paul.myers@uspto.gov. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [raymond.phan@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

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Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 central telephone number is (571) 272-2100.



***Raymond Phan***

***May 1, 2005***

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